

IN RE: PETITION FOR SPECIAL HEARING
S/S Southfield Drive, 34.44' E
of the c/c intersection of
Southfield at Berryfield Drives
(Southfield at White Marsh)
11th Election District
5th Councilmanic District
White Marsh Joint Venture
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-44-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owners of the subject property, White Marsh Joint Venture, by Bruce S. Campbell, III. The Petitioners request a special hearing to approve a second amendment to the partial development plan of Southfield at White Marsh, Section II, Phase 3-C and a third amendment to the partial development plan of Southfield at White Marsh, Section II, Phase 3-D, in accordance with Petitioner's Exhibits 1 and 2.

Appearing on behalf of the Petition were Bruce Campbell, III and John N. Bowers, Jr. with Nottingham Properties, Rick Chadsey, Registered Professional Engineer with George W. Stephens, Jr. & Associates, Inc., and Gary Duvall, Esquire, attorney for Petitioners. There were no Protestants.

Testimony indicated that the subject property, known as Southfield at White Marsh, consists of approximately 15 acres, more or less, split zoned D.R. 16, D.R. 10.5 and D.R. 5.5 and is proposed for development with single family individual and townhouse dwelling units. The Petitioners are desirous of modifying the originally approved development plan to provide back to back townhouse condominium units in lieu of the originally proposed garden condominiums. Testimony indicated that current market conditions dictate the proposed modifications in order to

provide adequate housing. The Petitioners testified that only one additional building will be added to the original plan and that all other representations made on said plan shall remain constant. Petitioners further argued that the relief requested meets the special exception requirements set forth in Section 502.1 of the B.C.Z.R. and that the proposed amendments will not result in any detriment to the health, safety or general welfare of the surrounding community.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 6th day of October, 1992 that the Petition for Special Hearing to approve a second amendment to the partial development plan of Southfield at White Marsh, Section II, Phase 3-C and a third amendment to the partial development plan of Southfield at White Marsh, Section II, Phase 3-D, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is

reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Timothy M. Motroco
TIMOTHY M. MOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

October 6, 1992

(410) 887-4366

Gary Duvall, Esquire
Wiles & Stockbridge
600 Washington Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
S/S Southfield Drive, 34.44' E of its intersection with Berryfield Dr.
(Southfield at White Marsh)
11th Election District - 5th Councilmanic District
White Marsh Joint Venture - Petitioners
Case No. 93-44-SPH

Dear Mr. Duvall:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

Timothy M. Motroco
TIMOTHY M. MOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Bruce Campbell, III
Nottingham Properties
100 W. Pennsylvania Avenue, Towson, Md. 21204

Mr. Rick Chadsey
George W. Stephens, Jr. & Associates, Inc.
658 Kenilworth Drive, Towson, Md. 21204

People's Counsel

File



Petition for Special Hearing

93-44-SPH
to the Zoning Commissioner of Baltimore County
for the property located at Southfield at White Marsh
which is presently zoned DR-16

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 502.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a second amendment to the partial development plan of Southfield at White Marsh Section II Phase 3-C and a third amendment to the partial development plan of Southfield at White Marsh Section II Phase 3-D in accordance with B.C.Z.R. Section 1801.3A.7.b.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Let it be solemnly sworn and attested, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

White Marsh Joint Venture

Signature: *B. S. Campbell, III*

Bruce S. Campbell, III

(Type or Print Name)

Signature:

100 W. Pennsylvania Avenue 825-0545

Towson, Maryland 21204

City State Zip

Attorney for Petitioner:

George W. Stephens, Jr. & Associates, Inc.

658 Kenilworth Drive 825-8120

Towson, Maryland 21204

City State Zip

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING: 2 HRS

ALL OTHER: *File*

RECEIVED BY: *File* DATE: 8/11/92

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
P.O. BOX 6024, TOWSON, MARYLAND 21204

Description of Amended Provisory Section, Section II Phase 3D
SOUTHFIELD AT WHITEMARSH

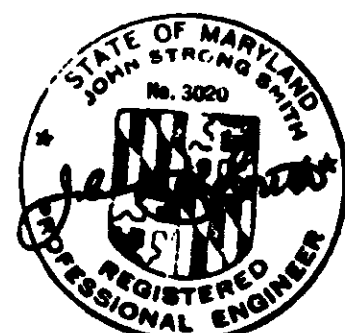
Beginning for the Provisory Section at a point on the southern side of Southfield Drive, 60 foot wide, at the point designated No. 13, having Baltimore County Metropolitan District coordinate values of North 30851.18 and East 39394.45, shown on a Plat entitled "SOUTHFIELD AT WHITEMARSH, Section II Phase 3A", dated February 12, 1988, recorded among the Plat Records of Baltimore County, Maryland in Plat Book S.M. 58 folio 125, said point of beginning being measured South 15 degrees 01 minutes 15 seconds East 34.44 feet from the centerline intersection of said Southfield Drive and Berryfield Drive, 80 foot wide, shown on a Plat entitled "SOUTHFIELD AT WHITEMARSH, Section II Phase 3B", dated June 20, 1988, recorded among the Plat Records of Baltimore County, Maryland in Plat Book S.M. 59 folio 60, running thence leaving said point of beginning, binding on the outline of said Provisory Section and binding on the southern side of said Southfield Drive,

- 1) South 74 degrees 31 minutes 17 seconds East 169.88 feet, running thence leaving said Southfield Drive continuing to bind on the outline of said Provisory Section, the six following courses, viz:
- 2) southwesterly by a curve to the right having a radius of 300.00 feet for a distance of 400.30 feet, said curve being subtended by a chord bearing South 49 degrees 58 minutes 12 seconds West 371.26 feet,
- 3) southwesterly by a curve to the left having a radius of 135.00 feet for a distance of 23.23 feet, said curve being subtended by a chord bearing South 83 degrees 14 minutes 01 seconds West 23.20 feet,
- 4) South 78 degrees 18 minutes 19 seconds West 340.00 feet,
- 5) northwesterly by a curve to the right having a radius of 660.00 feet for a distance of 1169.20 feet, said curve being subtended by a chord bearing North 50 degrees 56 minutes 42 seconds West 1022.20 feet,
- 6) North 00 degrees 11 minutes 41 seconds West 145.00 feet and
- 7) northeasterly by a curve to the right having a radius of 300.00 feet for a distance of 405.00 feet, said curve being subtended by a chord bearing North 38 degrees 28 minutes 47 seconds East 374.94 feet, intersect the western side of said Southfield Drive, running thence binding on the western, southwestern and southern side of said Southfield Drive and continuing to bind on the outline of said Provisory Section, the six following courses, viz:
- 8) South 23 degrees 11 minutes 42 seconds East 113.22 feet,
- 9) southeasterly by a curve to the right having a radius of 270.00 feet for a distance of 108.39 feet, said curve being subtended by a chord bearing South 11 degrees 41 minutes 42 seconds East 107.66 feet to the point designated No. 24, having Baltimore

Description of Amended Provisory Section, Section II Phase 3D
SOUTHFIELD AT WHITEMARSH

April 4, 1991
page -2-

County Metropolitan District coordinate values of North 31368.31 and East 33423.50, shown on a Plat entitled "SOUTHFIELD AT WHITEMARSH, Section II Phase 3C", dated November 3, 1988, recorded among the Plat Records of Baltimore County, Maryland in Plat Book S.M. 60 folio 76, 10) South 00 degrees 11 minutes 41 seconds East 228.00 feet, 11) southeasterly by a curve to the left having a radius of 360.00 feet for a distance of 637.74 feet, said curve being subtended by a chord bearing South 50 degrees 56 minutes 41 seconds East 557.56 feet, 12) North 78 degrees 18 minutes 19 seconds East 340.00 feet and 13) southeasterly by a curve to the right having a radius of 435.00 feet for a distance of 206.31 feet, said curve being subtended by a chord bearing South 88 degrees 06 minutes 29 seconds East 204.36 feet to the point of beginning. Containing 558,485 square feet or 12.821 Acres of land more or less. NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT INTENDED TO BE USED FOR CONVEYANCES OR AGREEMENTS.



FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Description of Amended Provisory Section, Section II Phase 3C
SOUTHFIELD AT WHITEMARSH

Beginning for the Provisory Section at a point on the western side of Southfield Drive, 60 foot wide, at the point designated No. 24, having Baltimore County Metropolitan District coordinate values of North 31368.31 and East 33423.50, shown on a Plat entitled "SOUTHFIELD AT WHITEMARSH, Section II Phase 3C", dated November 3, 1988, recorded among the Plat Records of Baltimore County, Maryland in Plat Book S.M. 60 folio 76, said point of beginning being measured South 30 degrees 31 minutes 01 seconds West 52.15 feet from the centerline intersection of said Southfield Drive and Ashmill Court, 80 foot wide, shown on said Plat, running thence binding on the outline of said Provisory Section, binding on the western side of said Southfield Drive and reversing the bearing shown on said Plat,

- 1) South 00 degrees 11 minutes 41 seconds East 83.00 feet to the point designated No. 23 shown on said Plat and to the point designated No. 1 shown on a Plat entitled "SOUTHFIELD AT WHITEMARSH, Section II Phase 3D", dated June 20, 1988, recorded among the Plat Records of Baltimore County, Maryland in Plat Book S.M. 59 folio 62, running thence continuing to bind on the outline of said Provisory Section, binding on the western side of said Southfield Drive and reversing the bearing shown on said second mentioned Plat, the two following courses, 2) South 00 degrees 11 minutes 41 seconds East 145.00 feet to the point designated No. 13 shown on said second mentioned Plat and 3) southeasterly by a curve to the left having a radius of 360.00 feet for a distance 160.24 feet, said curve being subtended by a chord bearing South 12 degrees 58 minutes 47 seconds East 158.92 feet, running thence leaving the western side of said Southfield Drive, continuing to bind on the outline of said Provisory Section, the three following courses, 4) South 85 degrees 48 minutes 19 seconds West 35.08 feet, 5) northwesterly by a curve to the right having a radius of 300.00 feet for a distance of 393.67 feet, said curve being subtended by a chord bearing North 52 degrees 36 minutes 07 seconds West 365.03 feet and 6) North 15 degrees 00 minutes 32 seconds West 102.03 feet, to intersect the western outline of the Plat, entitled "Southfield at White Marsh (Sections 13 thru 20), formerly Whitemarsh Section II Phase 31, recorded or intended to be recorded among the Plat Records of Baltimore County, Maryland, running thence continuing to bind on the outline of said Provisory Section and binding on part of the western outline of said last mentioned Plat, 7) North 16 degrees 21 minutes 23 seconds East 243.60 feet, running thence leaving the outline of said last mentioned Plat, continuing to bind on the outline of said Provisory Section,

* * * E N D O F R E P O R T * * *

11. H.O.A. Open space, not in lots and right-of-ways, to be owned and maintained by the Homeowners Association (H.O.A.).
12. Street lights shown thus - (12' maximum height).
13. Utilities shown are preliminary only. Changes may be made at time of final design.
14. This development plan is approved by the zoning commissioner based on his interpretation of the zoning regulations that it complies with zoning policy, density and bulk controls as they are delineated

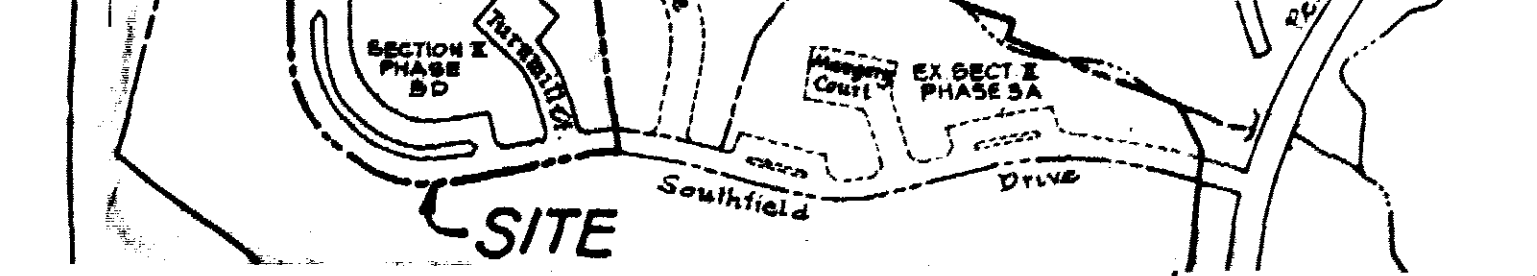
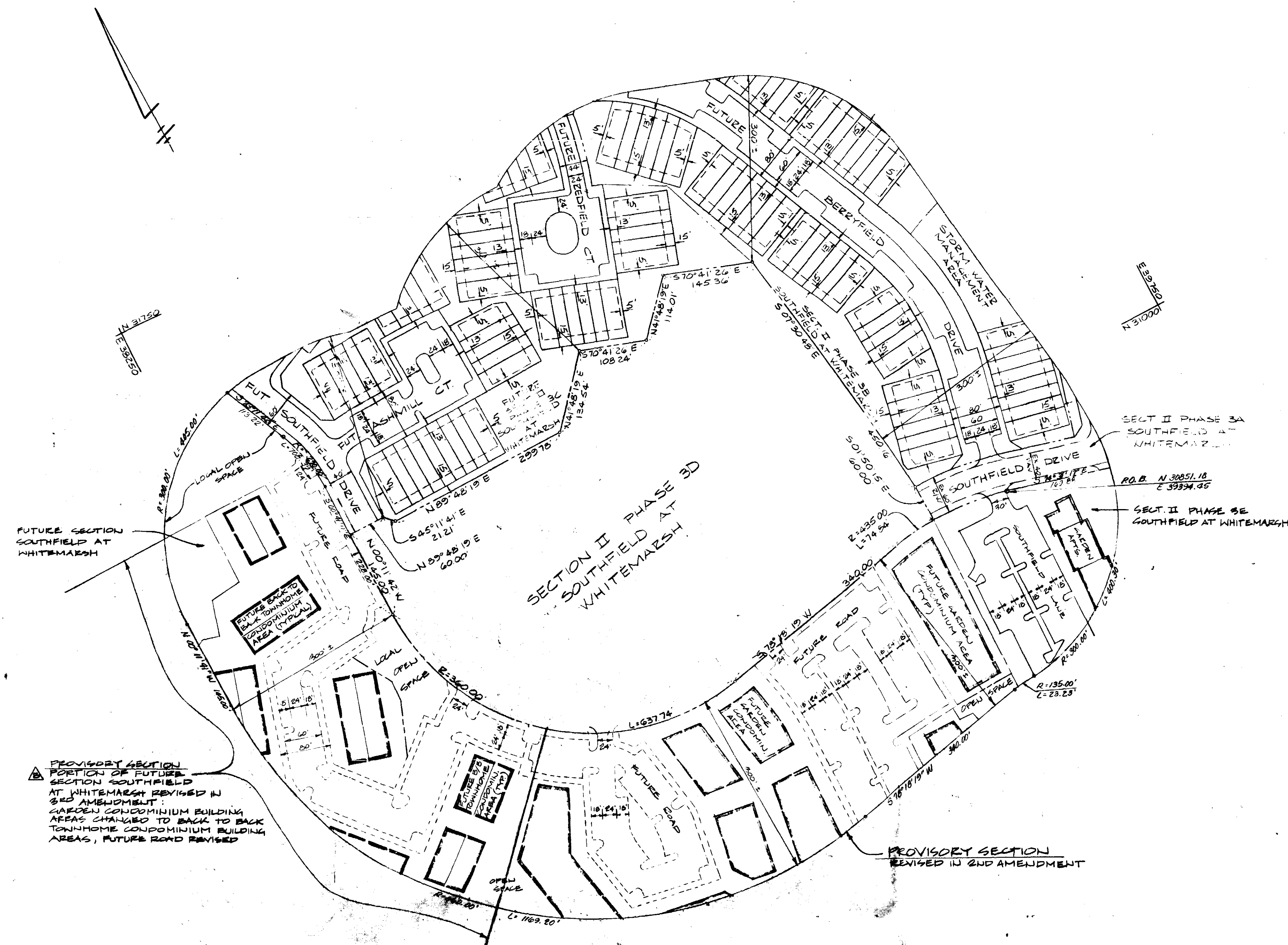


EXHIBIT 1
PETITIONER'S



- "PROVISORY SECTION" GENERAL NOTES**
- 1) THE PROVISORY SECTION OF THIS PARTIAL DEVELOPMENT PLAN IS NOT INTENDED NOR SHOULD IT BE UTILIZED AS A FINAL DEVELOPMENT PLAN FROM WHICH BUILDING APPLICATIONS MAY BE APPROVED OR ISSUED. ITS PURPOSE IS TO PROVIDE THOSE WHO PURCHASE HOMES WITHIN 300 FEET THEREOF WITH A REASONABLE UNDERSTANDING AS TO HOW THE DEVELOPER WILL IMPROVE ALL ADJOINING VACANT LAND THAT LIES WITHIN 300 FEET OF THEIR HOME.
 - 2) THE DIMENSIONED BOUNDARIES OF THE "PROVISORY SECTION", AS INDICATED HEREON, ARE NOT INTENDED TO SEPARATE IT FROM THE OVERALL APPROVAL OF THIS PARTIAL DEVELOPMENT PLAN. ANY DEVIATION FROM THIS PARTIAL DEVELOPMENT PLAN, INCLUDING THE "PROVISORY SECTION", MUST BE APPROVED IN ACCORDANCE WITH SECTION 1801.3.A.7.
 - 3) APPROVAL OF THE "PROVISORY SECTION" IS NOT BASED ON FINAL ENGINEERED PLANS, HOWEVER, IT IS INTENDED TO ESTABLISH: THE FINAL LOCATION, HEIGHT, USE AND DENSITY OF BUILDINGS, OR THEIR ENVELOPES, TO WITHIN 25 FEET OF THEIR FINAL ENGINEERED LOCATION, THE LOCATION AND TYPE OF EXISTING MAJOR VEGETATION THAT IS TO BE RETAINED, SCREENING, PARKING AREAS AND DRIVES TO THE EXTENT POSSIBLE SO AS TO COINCIDE WITH THEIR FINAL OR PERMANENT IMPROVEMENTS, AND OTHER PERTINENT AMENITIES.
 - 4) AT THE TIME OF BUILDING PERMIT APPLICATIONS, THE "PROVISORY SECTION" OF THIS DEVELOPMENT PLAN MUST BE UP-DATED TO COMPLY IN ALL RESPECTS TO THE FORM AND CONTENT REQUIRED BY SECTION 1801.3.A.5 OF THE ZONING REGULATIONS.

ZONING CASE NO. 91-422-SPH

WHEREFORE, it is ORDERED by the Zoning Commissioner for Baltimore County this 16th day of June, 1991 that the Petition for Special Hearing to approve the 2nd Amended Partial Development Plan of Southfield at White Marsh, Section II, Phases 3D and 3E, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject, however, to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appealable process from this Order is complete. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Harris
Zoning Commissioner
for Baltimore County

3RD AMENDED
PROVISORY SECTION PLAN FOR
ALTERNATE I
PARTIAL DEVELOPMENT PLAN
SECTION II PHASE 3D
SOUTHFIELD AT WHITEMARSH
BALTIMORE CO, MD. ELECTION DIST #11
SCALE: 1"=100' FEBRUARY 16, 1988

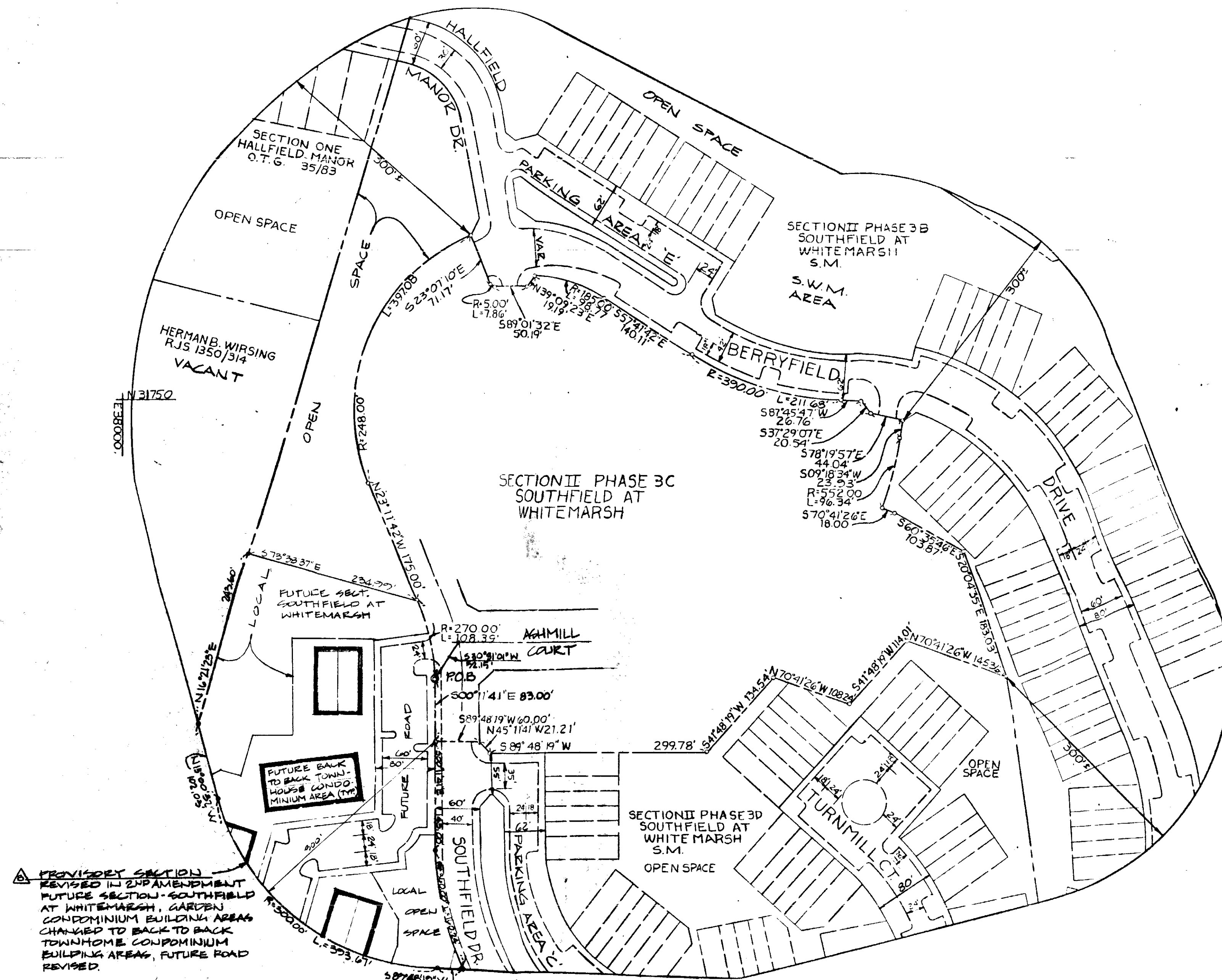
**GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.**
CIVIL ENGINEERS & LAND SURVEYORS
303 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 825-9120

2ND AMENDMENT JUNE 1, 1992
2ND AMENDMENT NOV. 27, 1990

OFFICE OF PLANNING & ZONING APPROVED BY:	
DIRECTOR OF PLANNING	DATE
ZONING COMMISSIONER	DATE

OWNER/DEVELOPER
WHITEMARSH JOINT VENTURE
100 W. PENNSYLVANIA AVE
TOWSON, MD. 21204
(301) 825-0545

PETITIONER'S EXHIBIT 2



PROVISORY SECTION
REVISED IN 2ND AMENDMENT
FUTURE SECTION - SOUTHFIELD
AT WHITEMARSH, GARDEN
CONDOMINIUM BUILDING AREAS
CHANGED TO BACK TO BACK
TOWNHOME CONDOMINIUM
BUILDING AREAS, FUTURE ROAD
REVISED.

"PROVISORY SECTION" GENERAL NOTES

- 1) THE PROVISORY SECTION OF THIS PARTIAL DEVELOPMENT PLAN IS NOT INTENDED NOR SHOULD IT BE UTILIZED AS A FINAL DEVELOPMENT PLAN FROM WHICH BUILDING APPLICATIONS MAY BE APPROVED OR ISSUED. ITS PURPOSE IS TO PROVIDE THOSE WHO PURCHASE HOMES WITHIN 300 FEET THEREOF WITH A REASONABLE UNDERSTANDING AS TO HOW THE DEVELOPER WILL IMPROVE ALL ADJOINING VACANT LAND THAT LIES WITHIN 300 FEET OF THEIR HOME.
- 2) THE DIMENSIONED BOUNDARIES OF THE "PROVISORY SECTION", AS INDICATED HEREON, ARE NOT INTENDED TO SEPARATE IT FROM THE OVERALL APPROVAL OF THIS PARTIAL DEVELOPMENT PLAN. ANY DEVIATION FROM THIS PARTIAL DEVELOPMENT PLAN, INCLUDING THE "PROVISORY SECTION", MUST BE APPROVED IN ACCORDANCE WITH SECTION 1801.3.A.7.
- 3) APPROVAL OF THE "PROVISORY SECTION" IS NOT BASED ON FINAL ENGINEERED PLANS. HOWEVER, IT IS INTENDED TO ESTABLISH: THE FINAL LOCATION, HEIGHT, USE AND DENSITY OF BUILDINGS, OR THEIR ENVELOPES, TO WITHIN 25 FEET OF THEIR FINAL ENGINEERED LOCATION, THE LOCATION AND TYPE OF EXISTING MAJOR VEGETATION THAT IS TO BE RETAINED, SCREENING, PARKING AREAS AND DRIVES TO THE EXTENT POSSIBLE SO AS TO COINCIDE WITH THEIR FINAL OR PERMANENT IMPROVEMENTS, AND OTHER PERTINENT UTILITIES.
- 4) AT THE TIME OF BUILDING PERMIT APPLICATIONS, THE "PROVISORY SECTION" OF THIS DEVELOPMENT PLAN MUST BE UP-DATED TO COMPLY IN ALL RESPECTS TO THE FORM AND CONTENT REQUIRED BY SECTION 1801.3.A.5 OF THE ZONING REGULATIONS.

1ST AMENDMENT
APPROVED BY:
[Signature]
V.P. SOUTHFIELD HORTICULTURAL, INC.
[Signature]
RECEIVED PRES. 11/1/90
2000 PRINCIPALITY, SEATTLE, WA 98101

NOTE: 1ST AMENDMENT SIGNATURE BLOCKS SHOW CURRENT OWNERSHIP
IN SECTION I PHASE 3C PARCEL NO. INDIVIDUAL LOTS WITHIN 300'
OF PROVISORY SECTION HAVE BEEN SOLD.
NOTE: SHEET NO. 3 OF 3 DELETED AS ALTERNATE NO. 2 OF THE PROVISORY
SECTION HAS BEEN PULLED OUT.

1ST AMENDMENT - NOV. 27, 1990
2ND AMENDMENT - JULY 1, 1992

OFFICE OF PLANNING & ZONING
APPROVED BY:

DIRECTOR OF PLANNING DATE

ZONING COMMISSIONER DATE

2ND AMENDED
PROVISORY SECTION PLAN FOR
ALTERNATE I
PARTIAL DEVELOPMENT PLAN
SECTION II PHASE 3C
SOUTHFIELD AT WHITEMARSH
BALTIMORE CO, MD. ELECTION DIST. #11
SCALE: 1"=100' OCT 12, 1988

OWNER/DEVELOPER
WHITEMARSH JOINT VENTURE
100 W. PENNSYLVANIA AVE.
TOWSON, MD. 21204
(301) 825-0545

SHEET 2 OF 2
PN.05917

**GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.**
CIVIL ENGINEERS & LAND SURVEYORS
303 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 825-8120

[Handwritten note]
1/29
1/30